

**Senate Committee on Commerce, Science and Transportation  
Subcommittee on Oceans, Atmosphere and Fisheries  
Oversight Hearings  
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**Statement of  
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Thank you for the opportunity to testify on the programs of the National Marine Fisheries Service. I am Richard E. Gutting Jr., President of the National Fisheries Institute (NFI).

The NFI is a trade association representing companies throughout the United States in the fish and seafood industry. We are a “water to table” organization, with member companies located throughout the distribution chain, from vessel operators, fish-farmers and those who supply them, to processors, importers, exporters, distributors, retailers, and restaurants.

The NFI is committed to the long-term sustainable use of fishery resources, and to providing Americans with an ample and safe seafood supply. Because our members harvest, process or sell the food produced from the fisheries regulated by the National Marine Fisheries Service, we have a vital stake in the agency’s ability to conserve these fisheries.

The importance of this food to Americans is reflected in rising consumption. On average, Americans eat about 16 pounds of seafood each year. This compares to about 10 pounds per person in 1960, and 12.5 pounds in 1980. Recent scientific reports cite the unique nutritional and health benefits of eating seafood, and as Americans learn more about these benefits, consumer demand should continue to grow.

Despite the claims of some, fishery conservation is far from a failure. The NMFS recently reported to Congress that:

The size of many fish stocks around the country has begun to increase, while we have halted the decline of other stocks and have begun rebuilding them. This includes many of our most important species. The number of stocks with sustainable harvest rates rose by 45% between 1999 and 2001, and those with sustainable stock sizes increased by a third.

Achieving this level of conservation takes hard work, and we appreciate the efforts of the fishery management councils, fishery commissions, state agencies and NMFS, as well as the many people in our seafood communities who have volunteered their time and money for conservation.

Conservation must continue to be the highest priority. Fisheries, however, are more than fish, and while rebuilding depleted fish stocks is important, so also are viable fishing communities. What good is seafood if there is no one to harvest and process it for consumers? And how are the nutritional needs of Americans going to be met in the future, if people cannot use ocean resources?

Herein lies our concern. Over time, the agency has narrowed its mission from maximizing benefits from ocean resources, to protecting them from users.

Consider the agency's goals in the NOAA Strategic Plan: Recovering Protected Species, Sustaining Healthy Coasts, and Building Sustainable Fisheries. Now compare them with those in the strategic plan of the U.S. Department of Agriculture which refers to the USDA as "the people's department." There the core mission is helping farmers feed America and the world in a sustainable way, the guiding principles include customer service, and the goals include maintaining a strong farm economy, promoting public health, and enhancing the capacity of communities to prosper.

These differences in goal statements illustrate the agency's drift towards protectionism---a long-term trend resulting, in part, from a proliferation of complex and differing legislative mandates, lengthy periods of time with leadership vacancies, and pressures from various activist campaigns.

The results are harmful---both for the NMFS, and for the people who depend upon its services. They include:

- Persistent "them" versus "us" attitudes;
- Increased confrontation and litigation;
- Loss of community support;
- Demoralized agency staff; and
- Deteriorating service.

Agency credibility is now under persistent attack in the media by groups jockeying to replace the NMFS as the authoritative source of information on fisheries for the public. Their message is "trust us—not them." Unfortunately, the agency seems unable to defend itself and its conservation accomplishments.

These media campaigns are being followed up with courtroom battles. The resulting buildup of litigation is diverting agency experts from future planning to defense of

past decisions. Lawsuit settlements only seem to encourage more litigation, and agency policy-making now appears to be driven more by litigation strategy and less by strong science.

The agency hesitates. Should it encourage seafood farming, or restrict it? Help improve the quality and safety of seafood, or leave it to others? Encourage greater use of available resources, or leave them in the water? Should it partner with fishermen to gather scientific information, or do it alone? Internal agency debates go on and on. In the meantime, opportunities are lost.

And the agency is bogged down. Documents are edited repeatedly in an internal review process that can take years to finish, and their incompleteness is used to avoid statutory deadlines. Programmatic offices remain balkanized. And unlike the U.S. Fish and Wildlife Service and the U.S. Coast Guard, there is no system for training to improve performance---a deficiency becoming more critical as experienced managers reach retirement age.

There are no easy solutions or quick fixes.

Developing a proactive agency culture requires more than a weekend brainstorming session, or the enactment of a new law. It will take a long-term commitment to strengthen needed core values and refocus agency programs. Investments need to be made in training and education to upgrade management and communication skills. Care must be taken in delegating regulatory power and in providing for systematic oversight of decisions. Somehow the litigation cycle needs to be broken.

The benefits would be substantial.

In addition to conserving fish, a vibrant proactive agency would help fishing communities maintain efficient and professional fishing fleets and modern processing facilities, and build a thriving and sustainable ocean-based aquaculture industry. It also would apply modern stock enhancement technologies to accelerate recovery of depleted stocks, help rationalize overbuilt fisheries with transitional assistance and the creative use of fishing opportunities, and help Americans more fully enjoy seafood by encouraging use of available resources.

Hearings such as this one can help. Thank you again for the opportunity to testify.